

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

[R08-351]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System – Administration
Article and its heading: 2, Scope of Services
Section numbers: R9-22-214 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
The legislature, in HB2781 General Appropriations, has provided funding to provide hospice service coverage for adults receiving acute care services. As a result of this funding, the Administration is proposing a rule amendment.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
5. **The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
The Administration intends to file Notice of Proposed Rulemaking by November 2008.

NOTICE OF RULEMAKING DOCKET OPENING ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

[R08-352]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System – Administration
Article and its heading: 14, AHCCCS Medical Coverage for Families and Individuals
Section numbers: R9-22-1414 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
HB 2275 updated A.R.S. § 36-2901.03(F) with the requirement that the Administration shall determine the continued eligibility every six months for any adult without dependent children. The Administration is proposing rule changes accordingly.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte

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6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration intends to file Notice of Proposed Rulemaking by November 2008.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

[R08-353]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 28, Arizona Health Care Cost Containment System – Arizona Long-term Care System
- Article and its heading:** 2, Covered Services
- Section numbers:** R9-28-206 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The legislature, in HB2781 General Appropriations, has provided funding to provide hospice service coverage for adults receiving acute care services. As a result of this funding, the Administration is proposing a rule amendment cross-referencing the coverage provided for an ALTCS member to the new Acute care service rule.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mariaelena Ugarte

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The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration intends to file Notice of Proposed Rulemaking by November 2008.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

[R08-354]

- 1. Title and its heading:** 9, Health Services

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- Chapter and its heading:** 28, Arizona Health Care Cost Containment System – Arizona Long-term Care System
- Article and its heading:** 5, Program Contractor and Provider Standards
- Section numbers:** R9-28-508 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The legislature in SB 1329 created A.R.S. § 36-2951 to provide requirements for self-directed attendant care (SDAC) services. The Administration is proposing rule language to describe the requirements a person must follow in order to provide or receive SDAC services.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The Administration intends to file Notice of Proposed Rulemaking by November 2008.

NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
MEDICARE COST SHARING PROGRAM

[R08-355]

- 1. Title and its heading:** 9, Health Services
- Chapter and its heading:** 29, Arizona Health Care Cost Containment System – Medicare Cost Sharing Program
- Article and its heading:** 1, Definitions; 2, Eligibility; 3, Benefits and Services; 4, Contractor, Provider, and Noncontracting Provider Requirements; 5, Grievance and Appeal Process; 6, First- and Third-party Liability and Recoveries
- Section numbers:** R9-29-101 through R9-29-102, R9-29-201 through R9-29-224, R9-29-301 through R9-29-304, R9-29-401, R9-29-501, R9-29-503, R9-29-601 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
As a result of a Five-year Review Report approved October 7, 2008 by the Governor's Regulatory Review Council, the Administration is intending to amend rules in Chapter 29 with the approved technical changes and to provide clarification of the benefits and payment responsibilities of the Medicare Cost Sharing regulations.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson St., Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115

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E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item 4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration intends to file Notice of Proposed Rulemaking by November 2008.

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

[R08-347]

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 6, Rules of Practice Before the Commission
Section numbers: R12-4-601, R12-4-602, R12-4-605, R12-4-606, R12-4-610, and R12-4-611 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

- R12-4-601 Amendments related to petitions for rule or review of practice or policy;
R12-4-602 Amendments related to written comments on proposed rules;
R12-4-605 Amendments related to standards for revocation, suspension, or denial of a license;
R12-4-606 Amendments related to proceedings for license revocation, suspension, or denial of right to obtain a license, and civil damages;
R12-4-610 Amendments related to petitions for the closure of state or federal lands to hunting, fishing, trapping, or operation of motor vehicles;
R12-4-611 Amendments related to petitions for a hearing before the Commission when no remedy is provided in statute, rule, or policy.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Rulemaking: 14 A.A.R. 4148, November 7, 2008 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the proposed rules:

Name: Marty Fabritz
Address: Arizona Game and Fish Department
5000 W. Carefree Hwy.
Phoenix, AZ 85086
Telephone: (623) 236-7281
Fax: (623) 236-7299
E-mail: mfabritz@azgfd.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Commission will accept comments during business hours at the address listed in item 4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

6. The timetable for agency decisions or other action on the proceeding:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF TRANSPORTATION
HIGHWAYS**

[R08-357]

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 3, Department of Transportation – Highways
Article and its heading: 7, Highway Encroachments and Permits

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Section numbers:

R17-3-701, R17-3-701.01, R17-3-702, 702.01 through R17-3-702.16, and Exhibits 1 through 9 (Sections may be added, deleted, or modified as necessary.)

2. Subject matter of the proposed rule:

This rulemaking is being initiated as a result of a Five-year Rule Review approved by the Governor's Regulatory Review Council on November 2, 2004 (F-04-1111). The Agency proposes to:

- Renumber the existing rule Section into smaller, more manageable Sections,
- Amend to update any related citations and to ensure conformity to Arizona Administrative Procedures Act, Secretary of State, and Governor's Regulatory Review Council rulemaking format and style requirements,
- Repeal antiquated statutory language, and
- Repeal Exhibits that the Agency has determined not to be clear, concise, or understandable and which are unnecessary.

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 14 A.A.R. 848, March 21, 2008

Notice of Rulemaking Docket Opening: 14 A.A.R. 2718, June 27, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 2896, July 25, 2008

Notice of Termination of Rulemaking: 14 A.A.R. 4090, October 31, 2008

Notice of Proposed Rulemaking: 14 A.A.R. 4153, November 7, 2008 (*in this issue*)

4. The name and address of agency personnel to whom persons may communicate regarding the rule:

Name: Janette M. Quiroz

Address: Department of Transportation
206 S. 17th Ave., Mail Drop 176A
Phoenix, AZ 85007

Telephone: (602) 712-6185

Fax: (602) 712-3097

E-mail: jmquiroz@azdot.gov

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/mvd/mvdrules/index.asp>.

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Arizona Department of Transportation will accept written comments Monday through Friday 8:00 a.m. to 5:00 p.m. at the address indicated in item 4. A public hearing may be scheduled later to provide a forum for interactive discussion with interested parties.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined